

FILED  
6/8/22 11:59 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Robert Osiecki : Bankruptcy Case No. 20-10747-TPA  
*Debtor(s)* : Chapter 13

**PLAN CONFIRMATION ORDER**

**AND NOW**, this *8th* day of **June, 2022**, it is hereby **ORDERED, ADJUDGED, and DECREED**, with the consent of all the Parties in attendance, as follows:

**A** The Chapter 13 Plan dated **April 8, 2022**, except as modified herein as numbered, below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. The current Plan payment is **\$2,042**.

1. For the remainder of the Plan term, the periodic Plan payment is to be **\$2,570** as of **June 2022**. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order. (A2)

2. The secured claim of **Northwest Bank CL#5-2** shall be paid **\$ 396** per month with interest accruing at **4%** and **\$364.50** per month for tax and/or insurance escrow until the claim has been paid in full. (D28)

3. The Post Petition Fee Notices filed by **Northwest Bank CL#5--2** on **2-10-21, 4-7-21, 8-23-21, 1-14-22, and 4-13-22**, will be paid under the Plan since no timely objection has been filed. (D35)

4. No further payments to the following secured/priority claimant(s) is/are due and owing because of the indicated reason. All prior payments to the Creditor(s) listed below is/are approved. **One Main Financial CL#6**, Reason: **the vehicle has been totaled**. (D41)

5. The secured claim(s) of the following Creditor(s) shall govern as to claim amount and are to be paid at the modified interest rate of **4%**, in a monthly amount determined by Trustee, as payment in full: **PNC Bank CL#11**. (B11)

**B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

1. **Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

2. **Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. **Review of Claims Docket and Objections to Claims.** Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

Revised 3/22/2022

4. **Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

5. **Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**C IT IS FURTHER ORDERED THAT:**

1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

2. Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

6. Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.

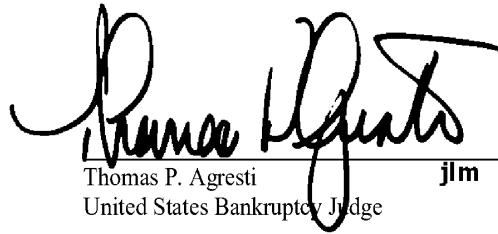
7. Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.

8. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

9. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

10. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

11. Any prior Confirmation Order entered in this matter is *VACATED*.



Thomas P. Agresti jlm  
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk immediately

In re:  
Robert Osiecki  
Debtor

Case No. 20-10747-TPA  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-1  
Date Rcvd: Jun 08, 2022

User: auto  
Form ID: pdf900

Page 1 of 3  
Total Noticed: 27

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 10, 2022:**

Recip ID	Recipient Name and Address
db	+ Robert Osiecki, 11201 Fry Road, Edinboro, PA 16412-1071
15307857	+ Bayfront, 915 East 26th, Erie, PA 16504-2901
15311580	+ ERIE FEDERAL CREDIT UNION, 3503 PEACH ST, ERIE, PA 16508-2741
15307861	+ Erie Fcu, 3503 Peach St, Erie, PA 16508-2741
15307864	+ Holiday Financial Serv, 715 W 38th St, Erie, PA 16508-2626
15315870	+ NORTHWEST BANK, PO Box 337, Warren, PA 16365-0337

TOTAL: 6

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: rmscedi@recoverycorp.com	Jun 08 2022 23:52:27	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15307858	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Jun 08 2022 23:55:00	Cb Indigo/gf, Po Box 4499, Beaverton, OR 97076-4499
15307859	+ Email/PDF: creditonebknottifications@resurgent.com	Jun 08 2022 23:52:35	Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
15307860	+ Email/Text: EBN@edfinancial.com	Jun 08 2022 23:55:00	Edfinancial Services L, 120 N Seven Oaks Drive, Knoxville, TN 37922-2359
15327524	+ Email/Text: EBN@edfinancial.com	Jun 08 2022 23:55:00	Edfinancial on behalf of US Dept. of Education, 120 N. Seven Oaks Dr., Knoxville, TN 37922-2359
15307863	+ Email/PDF: ais.fpc.ebn@aisinfo.com	Jun 08 2022 23:52:07	First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
15307865	+ Email/Text: PBNCNotifications@peritussservices.com	Jun 08 2022 23:55:00	Kohls/capone, Po Box 3115, Milwaukee, WI 53201-3115
15313259	Email/PDF: MerrickBKNotifications@Resurgent.com	Jun 08 2022 23:52:06	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
15315869	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Jun 08 2022 23:52:23	Merrick Bank, Resurgent Capital, PO Box 10368, Greenville, SC 29603-0368
15317904	+ Email/Text: bankruptcydpt@mcmcg.com	Jun 08 2022 23:55:00	Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
15323068	Email/PDF: cbp@onemainfinancial.com	Jun 08 2022 23:52:23	ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
15307866	+ Email/PDF: cbp@onemainfinancial.com	Jun 08 2022 23:52:32	Onemain, Po Box 1010, Evansville, IN 47706-1010
15315873	Email/Text: Bankruptcy.Notices@pnc.com	Jun 08 2022 23:55:00	PNC Bank, P.O. Box 94982, Cleveland, OH 44101
15329199	Email/Text: Bankruptcy.Notices@pnc.com	Jun 08 2022 23:55:00	PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101
15326381	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		

District/off: 0315-1

User: auto

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Date Rcvd: Jun 08, 2022

Form ID: pdf900

Total Noticed: 27

		Jun 08 2022 23:52:35	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15307867	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jun 08 2022 23:52:35	Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
15324819	+ Email/Text: JCAP_BNC_Notices@jcap.com	Jun 08 2022 23:55:00	Premier Bankcard, Llc, Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
15315875	Email/Text: bnc-quantum@quantum3group.com	Jun 08 2022 23:55:00	Quantum3 Group LLC, P.O. Box 788, Kirkland, WA 98083-0788
15311304	Email/Text: bnc-quantum@quantum3group.com	Jun 08 2022 23:55:00	Quantum3 Group LLC as agent for, Genesis FS Card Services Inc, PO Box 788, Kirkland, WA 98083-0788
15308062	+ Email/PDF: gecsedl@recoverycorp.com	Jun 08 2022 23:52:33	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15326653	Email/PDF: ebn_ais@aisinfo.com	Jun 09 2022 00:02:43	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 21

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PNC BANK, NATIONAL ASSOCIATION
15315866		First Premier Bank, 601 S Minnesota Avenue, SD 57204
15307862		First Premier Bank
cr	*+	Northwest Bank, PO Box 337, Warren, PA 16365-0337
15315861	*+	Cb Indigo/gf, Po Box 4499, Beaverton, OR 97076-4499
15315862	*+	Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
15315863	*+	Edfinancial Services L, 120 N Seven Oaks Drive, Knoxville, TN 37922-2359
15315864	*+	Edfinancial Services L, 120 N Seven Oaks Drive, Knoxville, TN 37922-2359
15315865	*+	Erie Fcu, 3503 Peach St, Erie, PA 16508-2741
15315867	*+	Holiday Financial Serv, 715 W 38th St, Erie, PA 16508-2626
15315868	*+	Kohls/capone, Po Box 3115, Milwaukee, WI 53201-3115
15315871	*+	NORTHWEST BANK, PO Box 337, Warren, PA 16365-0337
15315872	*+	Onemain, Po Box 1010, Evansville, IN 47706-1010
15315874	*+	Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952

TOTAL: 3 Undeliverable, 11 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 10, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 8, 2022 at the address(es) listed below:

District/off: 0315-1

User: auto

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Date Rcvd: Jun 08, 2022

Form ID: pdf900

Total Noticed: 27

Name	Email Address
Angela Sheffler Abreu	on behalf of Creditor Northwest Bank AAbreu@nwbcorp.com Angela.Abreu@northwest.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Kurt L. Sundberg	on behalf of Creditor Northwest Bank jrizzo@marshpaeder.com tsapper@marshlaw.com;r48049@notify.bestcase.com
Lawrence W. Willis	on behalf of Debtor Robert Osiecki ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com
Maria Miksich	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mmiksich@kmlawgroup.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 7